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9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF WASHINGTON

11 UNITED STATES OF AMERICA,) NO: 1:18-CR-02023-SAB-1
12)
13 Plaintiff,)
14 vs.) PLAINTIFF'S SENTENCING
15 DONAVAN THOMAS CULPS,) MEMORANDUM
16)
17 Defendant.)

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19 Plaintiff, United States of America, by and through William D. Hyslop,
20 United States Attorney for the Eastern District of Washington, and Thomas J.
21 Hanlon, Assistant United States Attorney, submits the following sentencing
22 memorandum:
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I.

BASE OFFENSE LEVEL AND ENHANCEMENTS

The government agrees with the calculations contained in the Presentence Investigation Report (“PSIR.”) The Total Offense Level is 35; Criminal History Category VI, with an advisory guideline imprisonment range of 292-365 months.

II.

SENTENCING FACTORS UNDER 18 U.S.C. §3553(a)

“The overarching statutory charge for a district court is to “impose a sentence sufficient, but not greater than necessary” to reflect the seriousness of the offense, promote respect for the law, and provide just punishment; to afford adequate deterrence; to protect the public; and to provide the defendant with needed educational or vocational training, medical care, or other corrections treatment.” *United States v. Carty*, 520 F.3d 984, 991 (9th Cir. 2008)(en banc)(quoting 18 U.S.C. § 3553(a) and (a)(2)). “The touchstone of ‘reasonableness’ is whether the record as a whole reflects rational and meaningful consideration of the factors enumerated in 18 U.S.C. § 3553(a).” *United States v. Ressam*, 679 F.3d 1069, 1089 (9th Cir. 2012)(quoting *United States v. Tomko*, 562 F.3d 558, 568 (3d Cir. 2009)(en banc).

1 1. The nature and circumstances of the offense and the history and
2 characteristics of Defendant.

3 In late March 2016, Felina Metsker (“Metsker”) was murdered. Metsker had
4 previously been in a romantic relationship with the Defendant. On April 1, 2016,
5 Special Agent P. Orth (“Agent Orth”) of the Federal Bureau of Investigation
6 (“FBI”) and Detective T. Beebe (“Detective Beebe”) of the Yakama Nation Police
7 Department discovered the crime scene. Due to their observations, it appeared that
8 someone had been shot inside of Metsker’s residence. Furthermore, it appeared
9 that the body had been dragged out of the residence. Metsker’s remains were later
10 discovered in a desolate area near 17500 Fort Road, White Swan, Washington.
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14 As the investigation progressed, George Skylar Cloud and Neil Cloud were
15 identified as suspects in the murder. On April 9, 2016, George Cloud was arrested
16 for an unrelated matter and placed in the Yakama Nation jail¹.
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18 In late April 2016, while in the Tribal jail, George Cloud allegedly confessed
19 to the Defendant that he had murdered Metsker. The Defendant physically
20 assaulted Cloud after hearing the confession.² The Defendant was later turned
21 over to federal law enforcement for unrelated charges. The Defendant was
22 subsequently released from custody.
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28 ¹ Cloud has been in tribal, state, and/or federal confinement since April 9, 2016.

² The assault was captured on the tribal jail video system.

1 In August 2017, Tara Cloud contacted the YNPD and reported that Neil
2 Cloud (“Neil”) was missing. Tara Cloud was aware of rumors that Neil had been
3 murdered due to his involvement in the murder of Metsker.
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5 In September 2017, the Defendant murdered a male in Cheney, Washington.
6 The Defendant was subsequently apprehended and confessed to the murder. The
7 Defendant later confessed that he had also murdered Neil. The Defendant
8 disclosed the area where he had dumped Neil’s body. On September 18, 2017, a
9 detective with the YNPD found Neil’s decomposed body.
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12 As the investigation progressed, Special Agent J. Terami (“Agent Terami”)
13 interviewed the George Thompson (“Thompson”), the Defendant, and additional
14 witnesses. Agent Terami learned that Cody Spencer, Thompson, and Neil traveled
15 to 3960 Barkes Road, White Swan, Washington³. This is the same location where
16 Metsker had been murdered. The Defendant ran to the car and began punching
17 Neil through the open car window. The Defendant pulled Neil out of the vehicle.
18 Neil was yelling, “why?” The Defendant responded, “you know why!” The
19 Defendant began beating Neil. Neil was yelling that he was “sorry.” Due to the
20 beating, Neil was rendered unconscious. Thompson went back to his vehicle and
21 obtained zip ties. Thompson walked back to Neil and attempted to use the zip ties
22 to restrain him. The Defendant did not want Neil to escape. Neil was dragged to a
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³ It is unknown if Neil was brought to this residence as part of a plan/scheme, or if it was coincidental.

1 location near where Metsker's trailer had been located. Neil woke up, was crying,
2 and asked the Defendant to stop. Neil stated, "I didn't do it." The Defendant
3 began stabbing Neil and slit his throat.⁴ After the murder, the Defendant and
4 Thompson dug a hole. Neil was placed in the hole. Neil's body remained in the
5 hole for approximately 4-5 days. The body was later moved and dumped in a
6 remote location.
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- 9 2. The need for the sentence imposed to reflect the seriousness of the
10 offense, promote respect for the law, and to provide just punishment.

11 The current offense is serious. The government submits that a sentence of
12 292 months imprisonment, followed by five years of supervised release, will
13 promote respect for the law and provide just punishment.
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- 15 3. The need for the sentence imposed to afford adequate deterrence to
16 criminal conduct.

17 The Defendant was involved in a serious and violent offense. The
18 Defendant has served multiple prison terms over the past 16 years. Despite these
19 prior terms of incarceration, the Defendant has not been deterred from engaging in
20 criminal acts.
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- 23 4. The need for the sentence imposed to protect the public from further
24 crimes of Defendant.

25 A term of imprisonment is required to protect the public. The Defendant is
26 clearly a danger to the community. The Defendant has a lengthy criminal history
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28 ⁴ S/A Terami conducted a recorded interview with the Defendant. The Defendant advised he used a hunting knife. The Defendant advised that he stabbed Neil in the chest, neck, stomach and slit his throat like a deer.

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3 Respectfully submitted this 10th day of July 2020.
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6 United States Attorney
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9 THOMAS J. HANLON
10 Assistant United States Attorney
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1 I hereby certify that on July 10, 2020, I electronically filed the foregoing
2 with the Clerk of the Court using the CM/ECF which will send notification of such
3 filing to the following: Roger James Peven
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